

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LAURIE LINDA MALLON
2828 Cochran Street, PMB 265
Simi Valley, CA 93065

Registered Nurse License No. 514976
Public Health Nurse Certificate No. 55867

Respondent

Case No. 2007-220

DEFAULT DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on **March 7, 2008**.

IT IS SO ORDERED **February 6, 2008**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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6 Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **LAURIE LINDA MALLON**
2828 Cochran Street, PMB 265
14 Simi Valley, CA 93065
Registered Nurse License No. 514976
Public Health Nurse Advanced
Certification No. 55867

15 Respondent.

Case No. 2007-220

OAH No. Unassigned

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

16 **FINDINGS OF FACT**

17 1. On or about February 20, 2007, Complainant Ruth Ann Terry, M.P.H.,
18 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, filed
19 Accusation No. 2007-220 against Laurie Linda Mallon (Respondent) before the Board of
20 Registered Nursing, Department of Consumer Affairs.

21 2. On or about August 25, 1995, the Board of Registered Nursing (Board of
22 Registered Nursing) issued Registered Nurse License No. 514976 to Respondent. The
23 Registered Nurse License expired on April 30, 2001, and has not been renewed.

24 3. On or about July 10, 1996, the Board of Registered Nursing issued Public
25 Health Nurse Advanced Certification No. 55867 to Respondent. The Public Health Nurse
26 Advanced Certification expired on April 30, 2001, and has not been renewed.

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1 4. On or about March 9, 2007, Janice E. Williams, an employee of the
2 California Department of Justice, Office of the Attorney General, served by regular and certified
3 mail a copy of Accusation No. 2007-220, together with a Statement to Respondent, Notice of
4 Defense, Request for Discovery, Government Code sections, Board of Registered Nursing
5 Recommended Guidelines to Respondent's address of record with the Board of Registered
6 Nursing, which was and is Laurie Linda Mallon, 2828 Cochran Street, PMB 265 Simi Valley,
7 CA 93065. A copy of the Accusation, the related documents, and Declaration of Service, as
8 well as a signed receipt for certified mail showing delivery of the Accusation and related
9 documents at Respondent's address of record with the Board on March 15, 2007 are attached as
10 exhibit A, and are incorporated herein by reference.

11 5. Service of the Accusation was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c). Respondent failed to file a
13 Notice of Defense within 15 days after service upon her of the Accusation and related
14 documents.

15 6. Business and Professions Code section 118 states, in pertinent part:
16 "(b) The suspension, expiration, or forfeiture by operation of law of a license
17 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
18 board or by order of a court of law, or its surrender without the written consent of the board, shall
19 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
20 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
21 any ground provided by law or to enter an order suspending or revoking the license or otherwise
22 taking disciplinary action against the license on any such ground."

23 7. Government Code section 11506 states, in pertinent part:
24 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
25 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
26 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
27 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."
28 Respondent failed to file a Notice of Defense within 15 days after service upon her of the

1 Accusation and related documents, and therefore waived her right to a hearing on the merits of
2 Accusation No. 2007-220.

3 8. California Government Code section 11520 states, in pertinent part:

4 "(a) If the respondent either fails to file a notice of defense or to appear at the
5 hearing, the agency may take action based upon the respondent's express admissions or
6 upon other evidence and affidavits may be used as evidence without any notice to
7 respondent."

8 9. Pursuant to its authority under Government Code section 11520, the Board
9 of Registered Nursing finds Respondent is in default. The Board of Registered Nursing will take
10 action without further hearing and, based on Respondent's express admissions by way of default
11 and the evidence before it, contained in exhibits A, B and C, finds that the allegations in
12 Accusation No. 2007-220 are true.

13 10. The total costs for investigation and enforcement are \$3,852.00 as of
14 October 27, 2007.

15 **DETERMINATION OF ISSUES**

16 1. Based on the foregoing findings of fact, Respondent Laurie Linda Mallon
17 has subjected her Registered Nurse License No. 514976 to discipline.

18 2. A copy of the Accusation and the related documents and Declaration of
19 Service are attached.

20 3. The agency has jurisdiction to adjudicate this case by default.

21 4. The Board of Registered Nursing, Department of Consumer Affairs is
22 authorized to revoke Respondent's Registered Nurse License based upon the following violations
23 alleged in the Accusation:

24 a. Section 2750 of the Business and Professions
25 Code(Code) provides, in pertinent part, that the Board may discipline any
26 licensee, including a licensee holding a temporary or an inactive license,
for any reason provided in Article 3 (commencing with section 2750) of
the Nursing Practice Act.

27 b. Section 2764 of the Code provides, in pertinent part,
28 that the expiration of a license shall not deprive the Board of jurisdiction to
proceed with a disciplinary proceeding against the licensee or to render a decision

1 imposing discipline on the license. Under section 2811(b) of the Code, the Board
2 may renew an expired license at any time within eight years after the expiration.

3 c. Section 2761 of the Code states:

4 "The board may take disciplinary action against a certified or
5 licensed nurse or deny an application for a certificate or license for any of the
6 following:

7 "(a) Unprofessional conduct, which includes, but is not limited to,
8 the following:

9

10 "(f) Conviction of a felony or of any offense substantially related
11 to the qualifications, functions, and duties of a registered nurse, in which event the
12 record of the conviction shall be conclusive evidence thereof."

13 d. Section 2762, subdivision (a) of the Code states:

14 "In addition to other acts constituting unprofessional conduct
15 within the meaning of this chapter [the Nursing Practice Act], it is unprofessional
16 conduct for a person licensed under this chapter to do any of the following:

17 "Obtain or possess in violation of law, or prescribe, or except as
18 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
19 himself or herself, or furnish or administer to another, any controlled substance as
20 defined in Division 10 (commencing with Section 11000) of the Health and Safety
21 Code or any dangerous drug or dangerous device as defined in Section 4022."

22 e. Section 490 of the Code states:

23 "A board may suspend or revoke a license on the ground that the
24 licensee has been convicted of a crime, if the crime is substantially related to the
25 qualifications, functions, or duties of the business or profession for which the
26 license was issued. A conviction within the meaning of this section means a plea
27 or verdict of guilty or a conviction following a plea of nolo contendere. Any
28 action which a board is permitted to take following the establishment of a
conviction may be taken when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal, or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order
under the provisions of Section 1203.4 of the Penal Code."

f. California Code of Regulations, title 16, section

1444 states:

"A conviction or act shall be considered to be substantially related
to the qualifications, functions or duties of a registered nurse if to a substantial
degree it evidences the present or potential unfitness of a registered nurse to
practice in a manner consistent with the public health, safety, or welfare."

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2 **ORDER**

3 **IT IS SO ORDERED** that Registered Nurse License No. 514976, heretofore
4 issued to Respondent Laurie Linda Mallon, is revoked.

5 **IT IS FURTHER ORDERED** that Public Health Nurse Advanced Certification
6 No. 55867 heretofore issued to Respondent Laurie Linda Mallon, is also revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may
8 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
9 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
10 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
11 statute.

12 This Decision shall become effective on March 7, 2008.

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14 It is so **ORDERED** February 6, 2008

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17 **BOARD OF REGISTERED NURSING**
18 **DEPARTMENT OF CONSUMER AFFAIRS**
19 **STATE OF CALIFORNIA**

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24 60252492.wpd

25 DOJ docket number: LA2006601409

26 **Attachments:**

27 Exhibit A: Accusation No.2007-220, Related Documents, and Declaration of Service
28 Exhibit B: Receipt for Delivery of Certified Mail
Exhibit C: Certification of Costs: Declaration of Earl R. Plowman

Exhibit A

Accusation No. 2007-220,
Related Documents and Declaration of Service

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of the State of California
2 GLORIA A. BARRIOS
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3 MICHAEL R. GRANEN, State Bar No. 63350
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4 California Department of Justice
300 So. Spring Street, Suite 1702
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007 - 220

12 LAURIE LINDA MALLON
2828 Cochran Street, PMB 265
13 Simi Valley, CA 93065

A C C U S A T I O N

14 Registered Nurse License No. 514976
Public Health Nurse Advanced Certification
15 No. 55867

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 (Board), Department of Consumer Affairs.

23 2. On or about August 25, 1995, the Board issued Registered Nurse License
24 No. 514976 to Laurie Linda Mallon (Respondent). The Registered Nurse License expired on
25 April 30, 2001, and has not been renewed.

26 3. On or about July 10, 1996, the Board issued Public Health Nurse
27 Advanced Certification No. 55867 to Laurie Linda Mallon (Respondent). The Public Health
28 Nurse Advanced Certification expired on April 30, 2001, and has not been renewed.

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JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states:
“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
“(a) Unprofessional conduct, which includes, but is not limited to, the following:
.....
“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. Section 2762, subdivision (a) of the Code states:
“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:
“Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish

1 or administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022."

4 9. Section 490 of the Code states:

5 "A board may suspend or revoke a license on the ground that the licensee has
6 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
7 duties of the business or profession for which the license was issued. A conviction within the
8 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
9 contendere. Any action which a board is permitted to take following the establishment of a
10 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
11 been affirmed on appeal, or when an order granting probation is made suspending the imposition
12 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
13 Penal Code."

14 10. California Code of Regulations, title 16, section 1444 states:

15 "A conviction or act shall be considered to be substantially related to the
16 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
17 present or potential unfitness of a registered nurse to practice in a manner consistent with the
18 public health, safety, or welfare."

19 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
20 request the administrative law judge to direct a licentiate found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 FIRST CAUSE FOR DISCIPLINE

24 (Convictions of Substantially Related Crimes)

25 12. Respondent is subject to disciplinary action under section 2761,
26 subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section
27 1444, in that Respondent has been convicted of crimes substantially related to the qualifications,
28 functions or duties of a registered nurse, as follows:

1 a. On or about June 30, 2006, Respondent was convicted by the court on her
2 plea of guilty for violating Penal Code section 12020, subdivision (a) (1), a misdemeanor
3 (possession of a deadly weapon) and one count of Penal Code section 529.5(c), a misdemeanor
4 (possession of deceptive government document), in the Superior Court of California, County of
5 Ventura, Ventura Judicial District, Case No. 20060006645, entitled *The People of the State of*
6 *California v. Laurie Linda Mallon*.

7 b. The circumstances underlying the conviction are that on or about February
8 19, 2006, Respondent was found to be in possession of a deadly weapon, to wit: Nunchakus. In
9 addition, Respondent unlawfully possessed a false document purporting to be a government
10 issued identification card and drivers license.

11 c. On or about December 9, 2005, Respondent was convicted by the court on
12 her plea of guilty for violating Penal Code section 12020, subdivision (a), a misdemeanor
13 (possession of a deadly weapon), in the Superior Court of California, County of Ventura, Ventura
14 Judicial District, Case No. 2005043305, entitled *The People of the State of California v. Laurie*
15 *Linda Mallon*.

16 d. The circumstances underlying the conviction are that on or about
17 December 7, 2005, Respondent was found to be in possession of a deadly weapon, to wit:
18 Nunchaku.

19 e. On or about March 29, 2005, Respondent was convicted by the court on
20 her plea of guilty for violating Penal Code section 12020, subdivision (a), a misdemeanor
21 (possession of a deadly weapon), in the Superior Court of California, County of Ventura, Ventura
22 Judicial District, Case No. 2004045350, entitled *The People of the State of California v. Laurie*
23 *Linda Mallon*.

24 f. The circumstances underlying the conviction are that on or about October
25 27, 2004, Respondent was found to be in possession of a deadly weapon, to wit: a gravity knife.

26 g. On or about February 25, 2005, Respondent was convicted by the court on
27 her plea of nolo contendere for violating one count of Penal Code section 12020.1, a
28 misdemeanor (selling plastic knuckles), in the Superior Court of California, County of Los

1 Angeles, San Fernando Judicial District, Case No. 5SF00996, entitled *The People of the State of*
2 *California v. Laurie Mallon*.

3 h. The circumstances underlying the conviction are that on or about February
4 23, 2005, Respondent willfully and unlawfully, sold plastic knuckles.

5 i. On or about May 26, 2004, Respondent was convicted by the court on her
6 plea of guilty for violating Vehicle Code section 14601, subdivision (a), a misdemeanor (driving
7 when privilege was suspended or revoked), in the Superior Court of California, County of
8 Ventura, Ventura Judicial District, Case No. 2004017540, entitled *The People of the State of*
9 *California v. Laurie Linda Mallon*.

10 j. The circumstances underlying the conviction are that on or about April 22,
11 2004, Respondent unlawfully drove a motor vehicle upon a highway at a time when her driving
12 privilege was suspended or revoked.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board issue a decision:

16 1. Revoking or suspending Registered Nurse License No. 514976, issued to
17 Laurie Linda Mallon.

18 2. Revoking or suspending Public Health Nurse Advanced Certification
19 Number 55867, issued to Laurie Linda Mallon.

20 3. Ordering Laurie Linda Mallon to pay the Board the reasonable costs of the
21 investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3.

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4. Taking such other and further action as deemed necessary and proper.

DATED: 2/20/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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